

4-972. Petition for emergency order of protection from domestic abuse.

[Family Violence Protection Act,
Sections 40-13-1 to 40-13-8 NMSA 1978.]

STATE OF NEW MEXICO

COUNTY OF _____

_____ JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO ON BEHALF OF:

_____, Petitioner

v.

No. _____

_____, Respondent

**PETITION FOR EMERGENCY ORDER OF PROTECTION
FROM DOMESTIC ABUSE¹**

1. INFORMATION ABOUT THE RESPONDENT

The respondent is:

☐ the husband of ☐ wife of petitioner

- ☐ the ex-husband of ☐ ex-wife of petitioner
- ☐ a family member of petitioner (*describe relationship*)
- ☐ a person with whom petitioner has had a continuing personal relationship.
(*describe relationship*)
- ☐ a person who has sexually assaulted me
- ☐ a person who has stalked me

_____ **Petitioner's initials**

2. CHILD(REN)

List minor child(ren) who may be in immediate danger or in need of an order of temporary custody.

Name	Date of	Relationship of Child	
	Birth	To Petitioner	To Respondent
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

_____ **Petitioner's initials**

3. DOMESTIC ABUSE

- A. The respondent committed the following act(s) of domestic abuse against petitioner or the petitioner's child(ren).

(describe in detail what happened and when and where)

Physical abuse: _____

_____.

Threats which caused fear that _____ or any household member would be injured: _____

_____.

Other abuse: _____

_____.

B. Others present during the abuse: _____

C. Did drugs or alcohol play a role in the domestic abuse? [] yes [] no

D. Were weapons used during the abuse? [] yes [] no.

If yes, what weapons? _____

E. Has there been prior domestic abuse? [] yes [] no.

_____ **Petitioner's initials**

4. REQUESTS TO THE COURT

THE COURT IS REQUESTED TO ENTER AN EMERGENCY ORDER OF PROTECTION prohibiting respondent from abusing petitioner or any member of petitioner's

household as follows:

(check applicable)

☐ providing for law enforcement officers to assist ☐ petitioner ☐ respondent in retrieving ☐ petitioner's ☐ respondent's clothing and personal belongings from the residence at _____.

☐ granting petitioner temporary custody of the child(ren) listed in this petition.

☐ prohibiting respondent from contact with the child(ren) listed in this petition.

☐ other relief that is necessary to resolve this domestic abuse problem (*list or describe what relief is necessary*):

_____ **Petitioner's initials**

5. INFORMATION ABOUT THE PETITIONER (ME)

(If you do not want the respondent to know your address and phone number, do not include it on this form. Tell the court clerk that you need a separate form (Form 4-961B NMRA) for your name and address and request that the clerk place your address under seal.)

☐ A. **I DO NOT WANT RESPONDENT TO KNOW MY ADDRESS NOW**

**OR AFTER THE HEARING FOR THE FINAL ORDER OF
PROTECTION. I HAVE COMPLETED FORM 4-961B AND GIVEN
IT TO THE COURT CLERK.**

OR

[] B. My physical address is: _____ in the [] County []
Indian Country of _____, State of New Mexico.

My mailing address is:

_____ (*street address*)

_____ (*city and zip*)

My telephone numbers are:

Home

Work

Message

_____ **Petitioner's initials**

6. LOCATION OF RESPONDENT

A. Respondent may be found at:

_____ (*address*)

_____ (*city*)

_____ (*state and zip code*)

_____ (*if in Indian Country, please name tribe or pueblo*).

Respondent's:

_____ (*date of birth*)

_____ (*home telephone number*)

_____ (*work address*)

_____ (*work telephone number*).

B. Is respondent in jail? [] yes [] no

_____ **Petitioner's initials**

OATH OF PETITIONER

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF.

Date

Signature of petitioner

OATH OF LAW ENFORCEMENT OFFICER

I swear or affirm under penalty of perjury that the facts set forth above are true to the best of my information and belief. I understand that it is a criminal offense subject to the penalty of imprisonment if I make a false statement in this petition.

Date

Signature of law enforcement officer

USE NOTES

1. Complete all information known by the officer.
Section 40-13-3.1(A)(4) NMSA 1978 provides that the petitioner in a domestic abuse case shall not be required to pay for the "the filing, issuance or service of a petition for an order of protection".

[Approved, effective November 1, 1999 until July 1, 2001; as amended, effective August 29, 2000; approved, effective May 1, 2001; as amended by Supreme Court Order No. 08-8300-40, effective December 15, 2008.]